

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE
– *appellant*
against

CASE NO.
WT865/2010

MN1901/2010

EMPLOYER- *respondent*

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
ORGANISATION OF WORKING TIME ACT, 1997**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms C. Egan B.L.

Members: Mr. W. O'Carroll
Mr T. Gill

heard this claim at Roscommon on 23rd February 2012

Representation:

Claimants(s) : Ms. Bríd Miller, Solicitor, 16 Castle View, Castle Street,
Roscommon, Co Roscommon

Respondent(s) : In Person

Determination

The claim under the Minimum Notice and Terms of Employment Acts 1973 to 2005 was withdrawn by the appellant's representative at the commencement of the hearing.

The Tribunal heard conflicting evidence from both parties in relation to holidays taken by the appellant. It was accepted by the appellant that he took three weeks holidays during his tenure of employment. It was his understanding that any payment received by him for those three weeks was in respect of overtime pay due to him. This was disputed by the respondent who gave evidence that the payment for the three weeks in question was payment for holiday pay. Documentary evidence was also submitted to the Tribunal in respect of total payments made to the appellant. However no breakdown of holiday pay was enclosed as part of that documentation.

Following consideration of the conflicting evidence adduced the Tribunal is of the view that the appellant was not in receipt of his full holiday entitlement and therefore awards the appellant the sum of €400 being the equivalent of one week's outstanding holiday pay due to the appellant.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

